



General Assembly

**Substitute Bill No. 87**

January Session, 2021



**AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) No zoning regulation shall treat any family child care home  
4 [registered] or group child care home located in a residence and licensed  
5 by the Office of Early Childhood pursuant to [section 17b-733] chapter  
6 368a, in a manner different from single or multifamily dwellings.

7 (b) Not later than December 1, 2021, and annually thereafter, each  
8 municipality shall submit to the Office of Policy and Management a  
9 sworn statement from the chief planning official of the municipality  
10 stating (1) that the municipality's zoning ordinance is in compliance  
11 with (A) subsection (a) of this section, and (B) the provision relating to  
12 family child care homes and group child care homes located in a  
13 residence in subsection (d) of section 8-2, as amended by this act, or (2)  
14 the specific time frame within which the municipality will bring its  
15 zoning ordinance into compliance with subsection (a) of this section and  
16 subsection (d) of section 8-2, as amended by this act.

17 Sec. 2. Section 8-2 of the general statutes is repealed and the following

18 is substituted in lieu thereof (*Effective October 1, 2021*):

19 (a) (1) The zoning commission of each city, town or borough is  
20 authorized to regulate, within the limits of such municipality: [, the] (A)  
21 The height, number of stories and size of buildings and other structures;  
22 (B) the percentage of the area of the lot that may be occupied; (C) the  
23 size of yards, courts and other open spaces; (D) the density of  
24 population and the location and use of buildings, structures and land  
25 for trade, industry, residence or other purposes, including water-  
26 dependent uses, as defined in section 22a-93; [,] and (E) the height, size,  
27 location, brightness and illumination of advertising signs and  
28 billboards. [ Such bulk regulations may allow for cluster development,  
29 as defined in section 8-18] except as provided in subsection (f) of this  
30 section.

31 (2) Such zoning commission may divide the municipality into  
32 districts of such number, shape and area as may be best suited to carry  
33 out the purposes of this chapter; and, within such districts, it may  
34 regulate the erection, construction, reconstruction, alteration or use of  
35 buildings or structures and the use of land. All [such] zoning regulations  
36 shall be uniform for each class or kind of buildings, structures or use of  
37 land throughout each district, but the regulations in one district may  
38 differ from those in another district. [, and may]

39 (3) Such zoning regulations may, except as otherwise specified in this  
40 section, provide that certain classes or kinds of buildings, structures or  
41 uses of land are permitted only after obtaining a special permit or  
42 special exception from a zoning commission, planning commission,  
43 combined planning and zoning commission or zoning board of appeals,  
44 whichever commission or board the regulations may, notwithstanding  
45 any special act to the contrary, designate, subject to standards set forth  
46 in the regulations and to conditions necessary to protect the public  
47 health, safety, convenience and property values. [Such regulations shall  
48 be]

49 (b) Zoning regulations adopted pursuant to subsection (a) of this

50 section shall:

51 (1) Be made in accordance with a comprehensive plan and in  
52 [adopting such regulations the commission shall consider]  
53 consideration of the plan of conservation and development [prepared]  
54 adopted under section 8-23; [. Such regulations shall be]

55 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure  
56 safety from fire, panic, flood and other dangers; [to] (C) promote health  
57 and the general welfare; [to] (D) provide adequate light and air; [to] (E)  
58 prevent the overcrowding of land; [to] (F) avoid undue concentration of  
59 population; and [to] (G) facilitate the adequate provision for  
60 transportation, water, sewerage, schools, parks and other public  
61 requirements; [. Such regulations shall be]

62 (3) Be made with reasonable consideration as to the character of the  
63 district and its peculiar suitability for particular uses and with a view to  
64 conserving the value of buildings and encouraging the most appropriate  
65 use of land throughout [such] a municipality; [. Such regulations may,  
66 to the extent consistent with soil types, terrain, infrastructure capacity  
67 and the plan of conservation and development for the community,  
68 provide for cluster development, as defined in section 8-18, in  
69 residential zones. Such regulations shall also encourage]

70 (4) Encourage the development of housing opportunities, including  
71 opportunities for multifamily dwellings, consistent with soil types,  
72 terrain and infrastructure capacity, for all residents of the municipality  
73 and the planning region in which the municipality is located, as  
74 designated by the Secretary of the Office of Policy and Management  
75 under section 16a-4a; [. Such regulations shall also promote]

76 (5) Promote housing choice and economic diversity in housing,  
77 including housing for both low and moderate income households; [, and  
78 shall encourage]

79 (6) Encourage the development of housing which will meet the  
80 housing needs identified in the state's consolidated plan for housing and

81 community development prepared pursuant to section 8-37t and in the  
82 housing component and the other components of the state plan of  
83 conservation and development prepared pursuant to section 16a-26; [.]  
84 Zoning regulations shall be made]

85 (7) Be made with reasonable consideration for their impact on  
86 agriculture, as defined in subsection (q) of section 1-1; [.]

87 (8) Provide that proper provision be made for soil erosion and  
88 sediment control pursuant to section 22a-329;

89 (9) Be made with reasonable consideration for the protection of  
90 existing and potential public surface and ground drinking water  
91 supplies; and

92 (10) In any municipality that is contiguous to Long Island Sound, (A)  
93 be made with reasonable consideration for the restoration and  
94 protection of the ecosystem and habitat of Long Island Sound; (B) be  
95 designed to reduce hypoxia, pathogens, toxic contaminants and  
96 floatable debris on Long Island Sound; and (C) provide that such  
97 municipality's zoning commission consider the environmental impact  
98 on Long Island Sound of any proposal for development.

99 (c) Zoning regulations adopted pursuant to subsection (a) of this  
100 section may: [be]

101 (1) To the extent consistent with soil types, terrain, infrastructure  
102 capacity and the plan of conservation and development for the  
103 community, provide for cluster development, as defined in section 8-18  
104 in residential zones;

105 (2) Be made with reasonable consideration for the protection of  
106 historic factors; [and shall be made with reasonable consideration for  
107 the protection of existing and potential public surface and ground  
108 drinking water supplies. On and after July 1, 1985, the regulations shall  
109 provide that proper provision be made for soil erosion and sediment  
110 control pursuant to section 22a-329. Such regulations may also

111 encourage]

112 (3) Encourage energy-efficient patterns of development, the use of  
113 solar and other renewable forms of energy, and energy conservation; [. The regulations may also provide]

115 (4) Provide for incentives for developers who use passive solar  
116 energy techniques, as defined in subsection (b) of section 8-25, in  
117 planning a residential subdivision development [. The incentives may  
118 include, but not be] including, but not limited to, cluster development,  
119 higher density development and performance standards for roads,  
120 sidewalks and underground facilities in the subdivision; [. Such  
121 regulations may provide]

122 (5) Provide for a municipal system for the creation of development  
123 rights and the permanent transfer of such development rights, which  
124 may include a system for the variance of density limits in connection  
125 with any such transfer; [. Such regulations may also provide]

126 (6) Provide for notice requirements in addition to those required by  
127 this chapter; [. Such regulations may provide]

128 (7) Provide for conditions on operations to collect spring water or  
129 well water, as defined in section 21a-150, including the time, place and  
130 manner of such operations; [. No such regulations shall prohibit] and

131 (8) In any municipality where a traprock ridge or an amphibolite  
132 ridge is located, (A) provide for development restrictions in ridgeline  
133 setback areas; and (B) restrict quarrying and clear cutting, except that  
134 the following operations and uses shall be permitted in ridgeline setback  
135 areas, as of right: (i) Emergency work necessary to protect life and  
136 property; (ii) any nonconforming uses that were in existence and that  
137 were approved on or before the effective date of regulations adopted  
138 pursuant to this section; and (iii) selective timbering, grazing of  
139 domesticated animals and passive recreation.

140 (d) Zoning regulations adopted pursuant to subsection (a) of this

141 section shall not:

142 (1) (A) Prohibit the operation in a residential zone of any family child  
143 care home or group child care home [in a residential zone. No such  
144 regulations shall prohibit] located in a residence, or (B) require any  
145 special zoning permit or special zoning exception for such operation;

146 (2) (A) Prohibit the use of receptacles for the storage of items  
147 designated for recycling in accordance with section 22a-241b or require  
148 that such receptacles comply with provisions for bulk or lot area, or  
149 similar provisions, except provisions for side yards, rear yards and front  
150 yards, [No such regulations shall] or (B) unreasonably restrict access to  
151 or the size of such receptacles for businesses, given the nature of the  
152 business and the volume of items designated for recycling in accordance  
153 with section 22a-241b, that such business produces in its normal course  
154 of business, provided nothing in this section shall be construed to  
155 prohibit such regulations from requiring the screening or buffering of  
156 such receptacles for aesthetic reasons; [Such regulations shall not  
157 impose]

158 (3) Impose conditions and requirements on manufactured homes  
159 having as their narrowest dimension twenty-two feet or more and built  
160 in accordance with federal manufactured home construction and safety  
161 standards or on lots containing such manufactured homes which are  
162 substantially different from conditions and requirements imposed on  
163 single-family dwellings and lots containing single-family dwellings, [. Such regulations shall not impose conditions and requirements on] or  
164 developments to be occupied by manufactured homes having as their  
165 narrowest dimension twenty-two feet or more and built in accordance  
166 with federal manufactured home construction and safety standards  
167 which are substantially different from conditions and requirements  
168 imposed on multifamily dwellings, lots containing multifamily  
169 dwellings, cluster developments or planned unit developments; [Such  
170 regulations shall not prohibit]

172 (4) (A) Prohibit the continuance of any nonconforming use, building

173 or structure existing at the time of the adoption of such regulations, [or]  
174 (B) require a special permit or special exception for any such  
175 continuance, [. Such regulations shall not] (C) provide for the  
176 termination of any nonconforming use solely as a result of nonuse for a  
177 specified period of time without regard to the intent of the property  
178 owner to maintain that use, [. Such regulations shall not] or (D)  
179 terminate or deem abandoned a nonconforming use, building or  
180 structure unless the property owner of such use, building or structure  
181 voluntarily discontinues such use, building or structure and such  
182 discontinuance is accompanied by an intent to not reestablish such use,  
183 building or structure. The demolition or deconstruction of a  
184 nonconforming use, building or structure shall not by itself be evidence  
185 of such property owner's intent to not reestablish such use, building or  
186 structure; [. Unless such town opts out, in accordance with the  
187 provisions of subsection (j) of section 8-1bb, such regulations shall not  
188 prohibit]

189 (5) Prohibit the installation of temporary health care structures for  
190 use by mentally or physically impaired persons [in accordance with the  
191 provisions of section 8-1bb if such structures comply with the provisions  
192 of said section] pursuant to section 8-1bb, as amended by this act, unless  
193 the municipality opts out pursuant to the provisions of subsection (j) of  
194 said section.

195 (e) Any city, town or borough which adopts the provisions of this  
196 chapter may, by vote of its legislative body, exempt municipal property  
197 from the regulations prescribed by the zoning commission of such city,  
198 town or borough [;] but unless it is so voted, municipal property shall  
199 be subject to such regulations.

200 [(b) In any municipality that is contiguous to Long Island Sound the  
201 regulations adopted under this section shall be made with reasonable  
202 consideration for restoration and protection of the ecosystem and  
203 habitat of Long Island Sound and shall be designed to reduce hypoxia,  
204 pathogens, toxic contaminants and floatable debris in Long Island  
205 Sound. Such regulations shall provide that the commission consider the

206 environmental impact on Long Island Sound of any proposal for  
207 development.

208 (c) In any municipality where a traprock ridge, as defined in section  
209 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the  
210 regulations may provide for development restrictions in ridgeline  
211 setback areas, as defined in said section. The regulations may restrict  
212 quarrying and clear cutting, except that the following operations and  
213 uses shall be permitted in ridgeline setback areas, as of right: (1)  
214 Emergency work necessary to protect life and property; (2) any  
215 nonconforming uses that were in existence and that were approved on  
216 or before the effective date of regulations adopted under this section;  
217 and (3) selective timbering, grazing of domesticated animals and  
218 passive recreation.]

219 [(d)] (f) Any advertising sign or billboard that is not equipped with  
220 the ability to calibrate brightness or illumination shall be exempt from  
221 any municipal ordinance or regulation regulating such brightness or  
222 illumination that is adopted by a city, town or borough pursuant to  
223 subsection (a) of this section after the date of installation of such  
224 advertising sign or billboard. [pursuant to subsection (a) of this section.]

225 Sec. 3. Subsection (b) of section 19a-80 of the general statutes is  
226 repealed and the following is substituted in lieu thereof (*Effective October*  
227 *1, 2021*):

228 (b) (1) Upon receipt of an application for a license, the commissioner  
229 shall issue such license if, upon inspection and investigation, [said] the  
230 commissioner finds that the applicant, the facilities and the program  
231 meet the health, educational and social needs of children likely to attend  
232 the child care center or group child care home and comply with  
233 requirements established by regulations adopted under this section and  
234 sections 19a-77 to 19a-79a, inclusive, and sections 19a-82 to 19a-87a,  
235 inclusive. Any such inspection under this subsection of a group child  
236 care home located in a residence shall include an inspection for evident  
237 sources of lead poisoning, and shall provide for a chemical analysis of

238 any paint chips found on such premises. The commissioner shall offer  
239 an expedited application review process for an application submitted by  
240 a municipal agency or department. A currently licensed person or  
241 entity, as described in subsection (a) of this section, seeking a change of  
242 operator, ownership or location shall file a new license application,  
243 except such person or entity may request the commissioner to waive the  
244 requirement that a new license application be filed. The commissioner  
245 may grant or deny such request. Each license shall be for a term of four  
246 years, shall be nontransferable, and may be renewed upon receipt by the  
247 commissioner of a renewal application and accompanying licensure fee.  
248 The commissioner may suspend or revoke such license after notice and  
249 an opportunity for a hearing as provided in section 19a-84 for violation  
250 of the regulations adopted under this section and sections 19a-77 to 19a-  
251 79a, inclusive, and sections 19a-82 to 19a-87a, inclusive. In the case of an  
252 application for renewal of a license that has expired, the commissioner  
253 may renew such expired license within thirty days of the date of such  
254 expiration upon receipt of a renewal application and accompanying  
255 licensure fee.

256 (2) The commissioner shall collect from the licensee of a child care  
257 center a fee of five hundred dollars prior to issuing or renewing a license  
258 for a term of four years. The commissioner shall collect from the licensee  
259 of a group child care home a fee of two hundred fifty dollars prior to  
260 issuing or renewing a license for a term of four years. The commissioner  
261 shall require only one license for a child care center operated in two or  
262 more buildings, provided the same licensee provides child care services  
263 in each building and the buildings are joined together by a contiguous  
264 playground that is part of the licensed space.

265 (3) The commissioner, or the commissioner's designee, shall make an  
266 unannounced visit, inspection or investigation of each licensed child  
267 care center and group child care home at least once each year. At least  
268 once every two years, the local health director, or the local health  
269 director's designee, shall make an inspection of each licensed child care  
270 center and group child care home.

271 (4) A municipality may not subject the operation of a licensed group  
272 child care home located in a residence to any conditions, other than  
273 those imposed by the commissioner pursuant to this subsection, if the  
274 group child care home complies with all local codes and ordinances  
275 applicable to single and multifamily dwellings.

276 Sec. 4. Section 47a-4 of the general statutes is repealed and the  
277 following is substituted in lieu thereof (*Effective October 1, 2021*):

278 (a) A rental agreement shall not provide that the tenant: (1) Agrees to  
279 waive or forfeit rights or remedies under this chapter and sections 47a-  
280 21, 47a-23 to 47a-23b, inclusive, 47a-26 to 47a-26g, inclusive, 47a-35 to  
281 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, or under any section of  
282 the general statutes or any municipal ordinance unless such section or  
283 ordinance expressly states that such rights may be waived; (2)  
284 authorizes the landlord to confess judgment on a claim arising out of the  
285 rental agreement; (3) agrees to the exculpation or limitation of any  
286 liability of the landlord arising under law or to indemnify the landlord  
287 for that liability or the costs connected therewith; (4) agrees to waive his  
288 right to the interest on the security deposit pursuant to section 47a-21;  
289 (5) agrees to permit the landlord to dispossess him without resort to  
290 court order; (6) consents to the distraint of his property for rent; (7)  
291 agrees to pay the landlord's attorney's fees in excess of fifteen per cent  
292 of any judgment against the tenant in any action in which money  
293 damages are awarded; (8) agrees to pay a late charge prior to the  
294 expiration of the grace period set forth in section 47a-15a or to pay rent  
295 in a reduced amount if such rent is paid prior to the expiration of such  
296 grace period; [or] (9) agrees to pay a heat or utilities surcharge if heat or  
297 utilities is included in the rental agreement; or (10) in any rental  
298 agreement entered into or renewed on or after October 1, 2021, is  
299 prohibited from operating a licensed family child care home, as  
300 described in section 19a-77, or is otherwise restricted in the operation of  
301 such family child care home.

302 (b) A provision prohibited by subsection (a) of this section included  
303 in a rental agreement is unenforceable.

304 Sec. 5. (NEW) (Effective October 1, 2021) In any renter's or  
305 homeowner's insurance policy providing coverage for the operator of a  
306 licensed family child care home or group child care home, such operator  
307 may name such operator's landlord as an additional insured on such  
308 policy. For the purposes of this section, "family child care home" and  
309 "group child care home" have the same descriptions as provided in  
310 section 19a-77 of the general statutes and "landlord" has the same  
311 meaning as provided in section 47a-1 of the general statutes.

312 Sec. 6. Subsection (j) of section 8-1bb of the general statutes is repealed  
313 and the following is substituted in lieu thereof (Effective October 1, 2021):

314 (j) A municipality, by vote of its legislative body or, in a municipality  
315 where the legislative body is a town meeting, by vote of the board of  
316 selectmen, may opt out of the provisions of this section and the  
317 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section  
318 8-2, as amended by this act, regarding authorization for the installation  
319 of temporary health care structures, provided the zoning commission or  
320 combined planning and zoning commission of the municipality: (1) First  
321 holds a public hearing in accordance with the provisions of section 8-7d  
322 on such proposed opt-out, (2) affirmatively decides to opt out of the  
323 provisions of said sections within the period of time permitted under  
324 section 8-7d, (3) states upon its records the reasons for such decision,  
325 and (4) publishes notice of such decision in a newspaper having a  
326 substantial circulation in the municipality not later than fifteen days  
327 after such decision has been rendered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	8-3j
Sec. 2	October 1, 2021	8-2
Sec. 3	October 1, 2021	19a-80(b)
Sec. 4	October 1, 2021	47a-4
Sec. 5	October 1, 2021	New section
Sec. 6	October 1, 2021	8-1bb(j)

**HSG**      *Joint Favorable Subst.*